

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

October 28, 2005

IN RE:

**PETITION OF COMPETITIVE CARRIERS OF THE
SOUTH, INC. TO OPEN A RULEMAKING ON TARIFF
FILINGS AND TARIFF REVIEW PROCEDURES**

**DOCKET NO.
04-00086**

ORDER GRANTING WITHDRAWAL

This matter came before Director Deborah Taylor Tate, Director Pat Miller and Director Sara Kyle of the Tennessee Regulatory Authority (the "Authority" or "TRA"), the voting panel assigned to this Docket, at a regularly scheduled Authority Conference held on August 22, 2005 for consideration of the *Withdrawal of Petition* filed by the Competitive Carriers of the South, Inc. ("CompSouth").

On March 11, 2004, CompSouth filed a *Petition for Rulemaking* ("Petition") with the Authority requesting that a rulemaking proceeding be opened to update the rules and policies concerning the filing and review of tariffs for communications services. CompSouth recommended that the rulemaking address, among other things: (1) the appropriate period of time between the filing of the tariff and the tariff's effective date; (2) the Authority's criteria for suspending a tariff; (3) the Authority's criteria for opening a contested case proceeding to review a tariff; (4) appropriate differences between the filing times and review procedures applicable to tariffs filed by incumbent carriers and the times and procedures applicable to tariffs filed by competing local exchange carriers;

and (5) expedited procedures in those cases where the Authority elects to convene a contested case proceeding to review a proposed tariff.¹

On April 8, 2004, BellSouth Telecommunications, Inc. ("BellSouth") wrote a letter to the Authority, noting the passage of legislation related to procedures for tariff filings which it believed might moot the issues presented in the *Petition*.² BellSouth suggested that the Authority postpone the opening of a rulemaking proceeding to provide the parties with time to comment on the impact of the new legislation.³

CompSouth responded on April 12, 2004 by filing a letter with the Authority, stating that the rulemaking was necessary to make the Authority's rules conform to the new statute and to consider other rule changes not addressed by the statute.⁴

At a regularly scheduled Authority Conference held on April 12, 2004, the panel voted unanimously to defer consideration of the matter to a later date.⁵

On August 3, 2005, CompSouth filed the *Withdrawal of Petition*. According to CompSouth, on July 1, 2004, the General Assembly enacted Public Chapter 545, which substantially changed the law regarding the filing of tariffs at the TRA.⁶ CompSouth stated that, in light of these amendments, the issues it originally raised were now largely moot and requested that the *Petition* be withdrawn.⁷

During the Authority Conference held on August 22, 2005, upon consideration of the entire record in this matter, the panel voted unanimously to grant CompSouth's request to withdraw the *Petition*.

¹ *Petition for Rulemaking*, p. 2 (March 11, 2004)

² Letter from Guy M. Hicks to Chairman Deborah Taylor Tate (April 8, 2004)

³ *Id.*

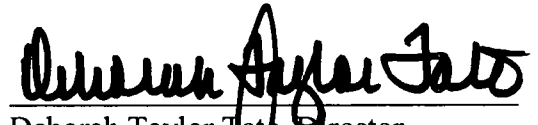
⁴ Letter from Henry Walker to Chairman Deborah Taylor Tate (April 12, 2004)

⁵ Transcript of Authority Conference, pp. 4-5 (April 12, 2004)

⁶ *Withdrawal of Petition* (August 3, 2005)

⁷ *Id.*

IT IS SO ORDERED.



Deborah Taylor Tate, Director



Pat Miller, Director



Sara Kyle, Director